



09-29-04

3739

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PATENT  
Attorney Docket No. (0320-0014) HOOV 114

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael D. Hooven

Serial No.: 10/038,506

Filed: November 9, 2001

Group Art No.: 3739

Examiner: Rosiland S. Rollins

For: TRANSMURAL ABLATION DEVICE  
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NAME Kathleen JohnsonSIGNATURE Kathleen Johnson

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. § 1.97, Applicant hereby calls the Examiner's attention to the documents listed on the attached form, which documents may be material to the examination of this application. Copies of the documents are enclosed herewith for the Examiner's consideration.

No inference should be drawn that any apparatus or method disclosed is equivalent to the subject invention. Also, the citation of the above-discussed document is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of the document herein is not to be construed as an admission that any subject matter disclosed in the document

is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of the document discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

This Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits but before a final action or an action that closes prosecution. The first reference cited was first called to Applicant's attention in an Office Action dated September 8, 2004 in related Application Number 10/328,057 filed on December 23, 2002. The second and third cited references were first called to Applicant's attention in an Office Action dated September 8, 2004 in related Application Number 10/015,868 filed on December 12, 2001. Accordingly, pursuant to 37 C.F.R. § 1.97(e)(2), it is hereby stated: no item of this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best knowledge of the person signing this certification after making a reasonable inquiry, no item of information contained in this information disclosure statement was known to any

individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement. Consequently, as provided in 37 C.F.R. § 197(c), a fee under § 1.17(p) is not required for the filing of this information disclosure. However, if it is determined that an additional fee is required, then authorization is hereby granted to charge Deposit Account 50-1039 any additional fee required. (A duplicate copy of this document is enclosed.)

Date: September 28, 2004

Respectfully submitted,

By: 

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	10/038,506
	<b>Filing Date</b>	November 9, 2001
	<b>First Named Inventor</b>	Michael D. Hooven
	<b>Group Art Unit</b>	3739
	<b>Examiner Name</b>	Rosiland S. Rollins
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	(HOOV 114) 0320-0014

<b>ENCLOSURES (check all that apply)</b>		
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Signature	
Date	September 28, 2004

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